

June 28, 2019

The Honorable Ajit V. Pai, Chairman  
Federal Communications Commission  
455 12<sup>th</sup> Street, Southwest  
Washington, DC 20554

Dear Chairman Pai:

We write regarding the Commission's draft order to revise the children's television programming ("Kid Vid") rules. Congress passed the Children's Television Act in 1990 on a bipartisan basis, establishing requirements for television broadcasters to provide kids with valuable, educational programming. For nearly three decades, these guidelines have benefited countless children and families of all backgrounds, providing young Americans with nourishing content to help them thrive and grow. Unfortunately, the Federal Communications Commission (FCC)'s current proposal to change the Kid Vid rules would significantly decrease children's access to this critical resource.

While we are pleased that the FCC is not moving forward with its initial plan to dismantle the children's television rules, we write to express our concern that the Commission's current proposed changes would limit the reach of educational content available to children and have a particularly damaging effect on youth in low-income and minority communities. The FCC's current draft order would decrease families' access to educational programming, and this is particularly true for African American households, of which 16% rely on over-the-air television<sup>1</sup>, Hispanic households, of which 20% percent rely on this programming<sup>2</sup>, and Americans making less than \$25,000 per year, of which 30% depend on over-the-air feeds<sup>3</sup>. We encourage you to continue requiring broadcasters to provide at least three hours per week of regularly scheduled, educational content on primary stations.

The Commission's current proposal would allow a third of required educational content to be aired on secondary "multicast" stations, effectively limiting viewers' access to these shows for the sake of providing increased "flexibility."<sup>4</sup> Total viewership of multicast stations is significantly lower than that of broadcasters' primary stations<sup>5</sup>, and these stations fail to reach

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<sup>1</sup> Nielsen, The Nielsen Total Audience Report: Q1 2018 11 (2018), <https://www.nielsen.com/us/en/insights/reports/2018/q1-2018-total-audience-report.html>.

<sup>2</sup> *Id.*

<sup>3</sup> Data provided by Nielsen (2018).

<sup>4</sup> Children's Television Programming Rules, MB Dkt. No. 18-202 at 2 (June 19, 2019), <https://docs.fcc.gov/public/attachments/DOC-358070A1.pdf>.

<sup>5</sup> See Comments of Litton Entertainment MB Dkt. No. 12-202, at ii (filed Sept. 24, 2018).

millions of households.<sup>6</sup> Allowing broadcasters to shelve children's content on multicast stations with minimal viewership would significantly limit the likelihood that this content will reach the young people it is intended to benefit. The Commission should not permit broadcasters to shift content from primary to sparsely viewed secondary stations.

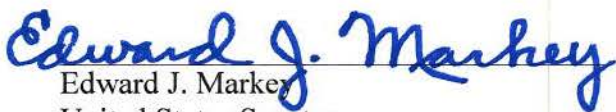
Your proposal would further limit access to the content kids rely on by requiring only two-thirds of content to be regularly scheduled. Today, much of the programming aired by broadcasters is not meant for children, and parents should be able to know exactly when age-appropriate and informational shows will run. Educational shows are of no benefit to kids if families do not know when to tune in. In light of this concern, we request that you maintain the requirement that broadcasters air all Kid Vid programming on a regularly scheduled basis.

Your draft order contains several other changes that, if implemented, would further limit children's access to educational content intended for them. Such problematic changes include extending the time frame when required children's content can be aired into early morning hours and allowing broadcasters to air only three hours of educational content total per week across *all* of their stations, rather than three hours on *each* station airing content. Neither of these changes would help kids to access vital educational content, and we call on you to reconsider these revisions.

In exchange for free access to the airwaves, broadcasters, among other public interest obligations, are required to air a mere three hours per week—less than two percent of their total broadcast time—of educational children's content. This should remain the rule.

Thank you for your attention to this important matter.

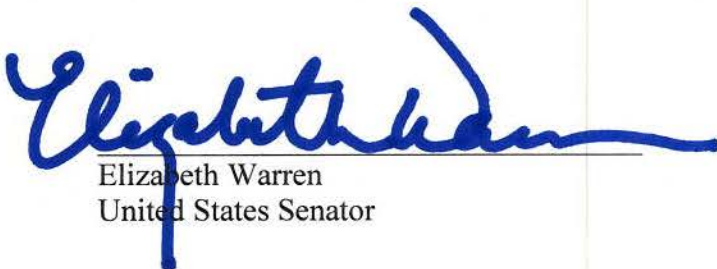
Sincerely,



Edward J. Markey  
United States Senator



Kirsten Gillibrand  
United States Senator



Elizabeth Warren  
United States Senator



Tammy Duckworth  
United States Senator

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<sup>6</sup> Television Bureau of Advertising, *Digital Subchannels and Diginents*, (May, 2017), <https://www.tvb.org/Default.aspx?TabID=1535>.

  
Tammy Baldwin  
United States Senator

  
Richard Blumenthal  
United States Senator

  
Sherrod Brown  
United States Senator

  
Ron Wyden  
United States Senator

  
Amy Klobuchar  
United States Senator

CC: The Honorable Michael O'Rielly,  
The Honorable Brendan Carr  
The Honorable Jessica Rosenworcel  
The Honorable Geoffrey Starks





FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

July 19, 2019

The Honorable Edward J. Markey  
United States Senate  
255 Dirksen Senate Office Building  
Washington, DC 20510

Dear Senator Markey:

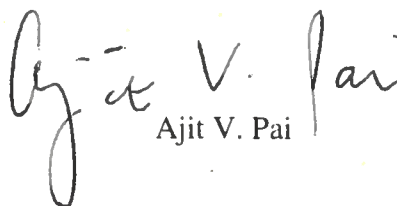
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I appreciate your acknowledgement that our final decision in the *Report and Order* declined to adopt many of the initial tentative conclusions outlined in our *Notice of Proposed Rulemaking* last year. I believe the record supports the modest changes to the children's programming rules that we adopted, such as expanding by one hour the window when Core Programming can be aired, allowing special and short-form programming to count towards Core Programming, and allowing broadcasters to use their multicast streams to satisfy a minority of their total Core Programming obligation.

The modified rules appropriately meet the needs of children—particularly those who rely on over-the-air television—while giving broadcasters more flexibility to meet their statutory obligations. Children who rely on over-the-air-television already benefit from the tremendous growth in content made possible by multicast streaming. For example, broadcasters such as PBS and ION use their multicast streams to provide channels dedicated 24/7 to children's programming. I hope that the increased flexibility we have given broadcasters will lead to innovative and diverse programming that serves children's educational needs, while also allowing broadcasters to better serve the public interest by airing additional live news and other important programming.

Please let me know if I can be of any further assistance.

Sincerely,

  
Ajit V. Pai



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

July 19, 2019

The Honorable Kirsten Gillibrand  
United States Senate  
478 Russell Senate Office Building  
Washington, DC 20510

Dear Senator Gillibrand:

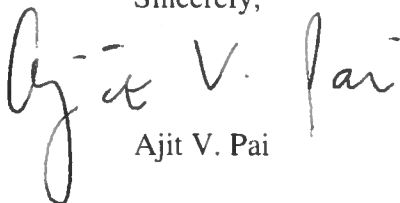
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Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink, reading "Ajit V. Pai". The signature is stylized, with the first name "Ajit" written in a large, flowing script, and "V. Pai" written in a smaller, more formal script.

Ajit V. Pai



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

July 19, 2019

The Honorable Elizabeth Warren  
United States Senate  
317 Hart Senate Office Building  
Washington, DC 20510

Dear Senator Warren:

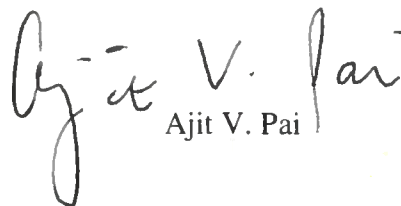
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FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

July 19, 2019

The Honorable Tammy Duckworth  
United States Senate  
524 Hart Senate Office Building  
Washington, DC 20510

Dear Senator Duckworth:

Thank you for your letter regarding the Commission's Children's Television Programming Rules. I agree with you that the children's programming rules serve an important purpose by ensuring that broadcast television stations serve the public interest by providing sufficient educational and informational programming. However, the current media landscape is fundamentally different from the marketplace that existed when the Children's Television Act was passed almost 30 years ago. That is why I supported Commissioner Michael O'Rielly's efforts to modernize these rules to reflect children's current viewing habits.

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Sincerely,

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Ajit V. Pai



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

July 19, 2019

The Honorable Tammy Baldwin  
United States Senate  
709 Hart Senate Office Building  
Washington, DC 20510

Dear Senator Baldwin:

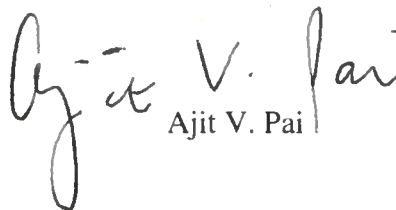
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Ajit V. Pai





FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
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July 19, 2019

The Honorable Richard Blumenthal  
United States Senate  
706 Hart Senate Office Building  
Washington, DC 20510

Dear Senator Blumenthal:

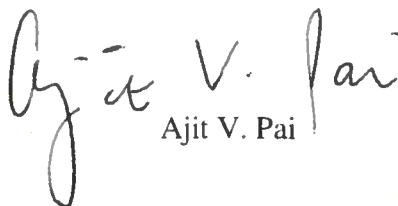
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FEDERAL COMMUNICATIONS COMMISSION  
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OFFICE OF  
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July 19, 2019

The Honorable Ron Wyden  
United States Senate  
221 Dirksen Senate Office Building  
Washington, DC 20510

Dear Senator Wyden:

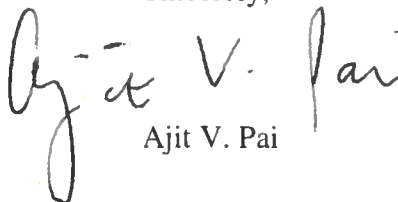
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WASHINGTON

OFFICE OF  
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July 19, 2019

The Honorable Sherrod Brown  
United States Senate  
713 Hart Senate Office Building  
Washington, DC 20510

Dear Senator Brown:

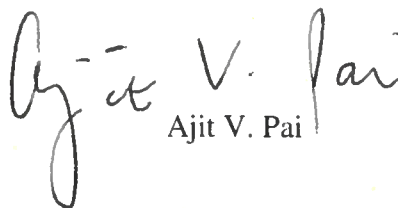
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FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
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July 19, 2019

The Honorable Amy Klobuchar  
United States Senate  
425 Dirksen Senate Office Building  
Washington, DC 20510

Dear Senator Klobuchar:

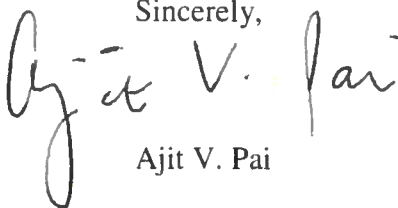
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